

Message Text

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PAGE 01 USUN N 04761 060303Z

64

ACTION IO-06

INFO OCT-01 EUR-08 ISO-00 NIC-01 ACDA-05 SAJ-01 EB-04

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 7118

INFO AMEMBASSY MOSCOW IMMEDIATE

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION BERLIN

C O N F I D E N T I A L USUN 4761

E.O. 11652: GDS

TAGS: PFOR FR GW UR US UK WB

SUBJ: REPLY TO SOVIET PROTEST ON COVENANT ON CIVIL AND
POLITICAL RIGHTS

REF: MOSCOW 16844

1. ALTHOUGH EARLIER THOUGHT HAD BEEN THAT LETTER WOULD
BE DATED NOV 11 AND SUBMITTED TO SECRETARIAT ON THAT
DATE, UKUN CHANGED DATE TO NOV 4 AND SUBMITTED IT TO
SECRETARIAT.

2. VERSION SUBMITTED BY UKUN CHANGED SLIGHTLY IN ORDER
MORE ACCURATELY CITE DOCUMENT AND SLIGHT CHANGE SHOULD
BE MADE IN MOSCOW VERSION. VERSION SUBMITTED BY UKUN
SET FORTH BELOW.

3. QUOTE THE SECRETARY-GENERAL
UNITED NATIONS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 04761 060303Z

NEW YORK

SIR,

WE HAVE THE HONOUR TO REFER TO THE NOTE FROM THE LEGAL COUNSEL, NO. C.N.145.1974.TREATIES-3 OF 5 AUGUST 1974 CONCERNING THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, OPENED FOR SIGNATURE AT NEW YORK ON 19 DECEMBER 1966, AND IN PARTICULAR TO PARAGRAPH 2 OF THAT NOTE WHICH REPORTED A COMMUNICATION MADE BY THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO THE EXTENSION OF THE COVENANTS TO THE WESTERN SECTORS OF BERLIN.

THE GOVERNMENTS OF FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA WISH TO BRING TO THE ATTENTION OF THE STATES PARTIES TO THE COVENANTS THAT THE EXTENSION OF THE COVENANTS TO THE WESTERN SECTORS OF BERLIN RECEIVED THE PRIOR AUTHORISATION, UNDER ESTABLISHED PROCEDURES, OF THE AUTHORITIES OF FRANCE, THE UNITED KINGDOM AND THE UNITED STATES ON THE BASIS OF THEIR SUPREME AUTHORITY IN THOSE SECTORS.

THE GOVERNMENTS OF FRANCE, THE UNITED KINGDOM AND THE UNITED STATES WISH TO POINT OUT THAT THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, THE PRIMARY PURPOSE OF BOTH OF WHICH IS THE PROTECTION OF THE RIGHTS OF THE INDIVIDUAL, ARE NOT TREATIES WHICH "BY REASON OF THEIR MATERIAL CONTENT, DIRECTLY AFFECT MATTERS OF SECURITY AND STATUS".

AS FOR THE REFERENCES TO THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 WHICH ARE CONTAINED IN THE COMMUNICATION MADE BY THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS REFERRED TO IN THE LEGAL COUNSEL'S NOTE, THE GOVERNMENTS OF FRANCE, THE UNITED KINGDOM AND THE UNITED STATES WISH TO POINT OUT THAT, IN A COMMUNICATION TO THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST

CONFIDENTIAL

PAGE 03 USUN N 04761 060303Z

REPUBLICS WHICH IS AN INTEGRAL PART (ANNEX IV A) OF THE QUADRIPARTITE AGREEMENT, THEY REAFFIRMED THAT, PROVIDED THAT MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, INTERNATIONAL AGREEMENTS AND ARRANGEMENTS ENTERED INTO BY THE FEDERAL REPUBLIC OF GERMANY MAY BE EXTENDED TO THE WESTERN SECTORS OF BERLIN. FOR ITS PART THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS, IN A COMMUNICATION TO THE GOVERNMENTS OF FRANCE, THE

UNITED KINGDOM AND THE UNITED STATES WHICH IS SIMILARLY AN INTEGRAL PART (ANNEX IV B) OF THE QUADRIpartite AGREEMENT, AFFIRMED THAT IT WOULD RAISE NO OBJECTION TO SUCH EXTENSION.

IN AUTHORIZING THE EXTENSION OF THE COVENANTS TO THE WESTERN SECTORS OF BERLIN, AS MENTIONED ABOVE, THE AUTHORITIES OF FRANCE, THE UNITED KINGDOM AND THE UNITED STATES TOOK ALL NECESSARY MEASURES TO ENSURE THAT THE COVENANTS CANNOT BE APPLIED IN THE WESTERN SECTORS OF BERLIN IN SUCH A WAY AS TO AFFECT MATTERS OF SECURITY AND STATUS. ACCORDINGLY, THE APPLICATION OF THE COVENANTS TO THE WESTERN SECTORS OF BERLIN CONTINUES IN FULL FORCE AND EFFECT.

WE HAVE THE HONOUR TO REQUEST THAT THE CONTENTS OF THIS NOTE BE CIRCULATED TO ALL STATES PARTIES TO EITHER OF THE COVENANTS.

WE AVAIL OURSELVES OF THIS OPPORTUNITY TO RENEW TO YOU, SIR, THE ASSURANCES OF OUR HIGHEST CONSIDERATION. UNQUOTE
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